

9 August 1978

NOTE FOR: FPH

FROM : GMC

SUBJECT : Compartmented Clearances/S. Res. 4

1. Section III(c) of PL 95-94 attached FYI.
2. The letter from Byrd and Baker is also attached along with the DCI's reply. The Senate Leadership clearly has endorsed the Admiral's position. We have been told by Joseph Stewart that Bryd does not want to get out in front on this issue, but is willing to help behind the scenes.
3. reports that Bill Miller is supportive of the program to re-evaluate compartmented clearances.
4. Arguments that can be used with Bumpers and Morgan:
 - President and DCI determined to stop proliferation of compartmented clearances.
 - DCI willing to grant such clearances to staff of the Vice President, the President Pro-Tempore, the Majority and Minority Leaders, and to regular staff members of Senate Committees with clear need-to-know.
 - Have to draw the line somewhere; if we grant one Senator's personal staff man a compartmented clearance we will be forced to do so for all 100 Senators.
 - DCI does not intend to impede the work of any Senator. We are willing to keep personal staff with appropriate clearance and need-to-know briefed on Secret level. Nearly everything your man needs to know in order to be of use to you can be provided to him on that basis. In event this not so, we stand ready to brief you personally.

5. Senator Stennis is involved in both the Morgan/Stirk and Bumpers/Parkinson cases (Stirk is Morgan's S. Res. 4 man on Armed Services and Parkinson is Bumpers' designee on the Appropriations Defense Subcommittee). We could say that we would consider requests for compartmented clearances made by appropriate Committee or Subcommittee Chairmen on behalf of personal staff of Committee or Subcommittee Members, on the assumption that Stennis would not make such a request. But, I do not think this is advisable even if we could be absolutely certain that Stennis would not sponsor Stirk or Parkinson. It would open the door to such a request in the future, under different circumstances and with different personalities, with the attendant possibility of a controversy between a Committee Chairman and the DCI.

6. Under no circumstances should we argue that enforcement of the requirement that S. Res. 4 staffers have appropriate clearances is only discretionary on the part of the concerned Committee.

Approved For Release 2004/10/12 : CIA-RDP81M00980R002300060020-9

OLC 78-1103/c

31 MAY 1978

Honorable Howard H. Baker, Minority Leader
Honorable Robert C. Byrd, Majority Leader
United States Senate
Washington, D.C. 20510

Dear Sirs:

Thank you for your letter of 9 May concerning compartmented clearances for certain key staff members serving in the Leadership offices.

I am indeed most pleased that our substantive intelligence briefings have proven helpful to you in fulfilling your Leadership responsibilities in the United States Senate. I also appreciate your support for my position that compartmented clearances should be granted only to those regular staff members of the Senate committees who have a clear need to know. This will certainly aid me in carrying out my responsibilities to protect intelligence sources and methods from unauthorized disclosure.

We will be pleased to work with you in processing compartmented clearance requests for the additional members of the Leadership staff under the proposal outlined in your letter. I have asked my Acting Legislative Counsel to contact your staff to complete the necessary details.

Yours sincerely,

SIGNED

STANFIELD TURNER

Distribution:

Original - Senator Baker

1 - DCI

1 - DDCI

1 - ER

1 - D/NFA

1 - DDA

1 - D/OS

1 - OLC Subj

1 - OLC Chrono

OLC/RJK:mao (24 May 78)

OLC/LLM:baa (25 May 78) Retyped

Approved For Release 2004/10/12 : CIA-RDP81M00980R002300060020-9

rec'd 18 May

Chlorine
OLC #78-1103/A

May 9, 1978

Honorable Stansfield Turner
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Admiral Turner:

The Central Intelligence Agency briefings we receive from time to time are of great assistance in fulfilling our Leadership responsibilities in the United States Senate. However, in many instances we are unable to most effectively utilize the information provided because it is compartmented and cannot be discussed with key staff members who must support us in our roles as Officers of the Senate.

We recognize your statutory responsibility for the protection of intelligence sources and methods and fully support your policy to protect against the proliferation of sensitive substantive intelligence by limiting access to only those regular staff members of Senate committees with a need to know (as opposed to staff members of a Senator's personal staff). However, we do believe that key staff members serving in the Leadership offices, thereby necessarily performing duties in the foreign affairs area, should be granted access to compartmented information. Therefore, we respectfully recommend the following proposal for your consideration:

a. A maximum of seven compartmented clearances be allocated for staff members in the Leadership offices. (This would result in adding a maximum of four compartmented clearances to the three which already exist for staff liaison to the Senate Select Committee on Intelligence--as a result of the ex officio membership of the Majority and Minority Leaders--and for the Staff Director of the Office of Classified National Security Information.)

Honorable Stansfield Turner

Page Approved For Release 2004/10/12 : CIA-RDP81M00980R002300060020-9

May 9, 1978

b. Clearances would be allocated as determined by the Majority and Minority Leaders.

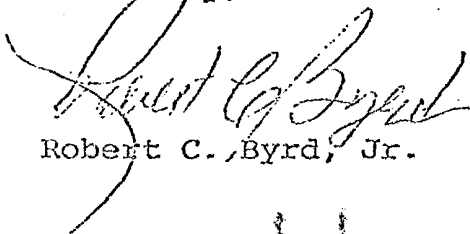
c. Requests for the clearances would be signed by both the Majority and Minority Leaders.

d. It would be understood that these clearances by themselves do not authorize access to operational information falling within the jurisdiction of the Senate Select Committee on Intelligence.

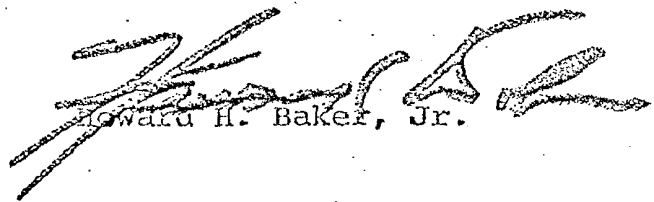
e. Material provided under this arrangement would be treated under the strictest of security standards and stored in the Office of Classified National Security Information.

Your earliest consideration of the above proposal would be appreciated.

Sincerely,



Robert C. Byrd, Jr.



Howard H. Baker, Jr.

PUBLIC LAW 95-94—AUG. 5, 1977

91 STAT. 653

Public Law 95-94
95th Congress

An Act

LEGISLATIVE
BRANCH
APPROPRIATION
ACT, 1978

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 1978, and for other purposes.

Aug. 5, 1977
[H.R. 7932]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1978, and for other purposes, namely:

Legislative
Branch
Appropriation
Act, 1978.

TITLE I—CONGRESSIONAL OPERATIONS
SENATE

Congressional
Operations
Appropriation
Act, 1978.

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS
AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE LEADERS,
AND WHIPS OF THE SENATE

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS

2 USC 60a note.

For compensation and mileage of the Vice President and Senators of the United States, \$6,474,300.

For an additional amount for "Compensation and Mileage of the Vice President and Senators" fiscal year 1977, \$828,400, to be derived by transfer from unobligated balances of any appropriation under the heading "Senate" for fiscal year 1977.

EXPENSE ALLOWANCES OF THE VICE PRESIDENT, MAJORITY AND MINORITY
LEADERS AND MAJORITY AND MINORITY WHIPS

For expense allowances of the Vice President, \$10,000; Majority Leader of the Senate, \$5,000; Minority Leader of the Senate, \$5,000; Majority Whip of the Senate, \$2,500; and Minority Whip of the Senate, \$2,500; in all, \$25,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For clerical assistance to the Vice President, \$687,500.

OFFICE OF THE PRESIDENT PRO TEMPORE

For Office of the President Pro Tempore, \$111,100.

OFFICE OF THE DEPUTY PRESIDENT PRO TEMPORE

For Office of the Deputy President Pro Tempore, \$111,100.

PUBLIC LAW 95-94—AUG. 5, 1977

STAT. 662

p. 82.
2 USC 61h-6.Effective date.
2 USC 61h-6
note.
2 USC 61-1 note.

SEC. 110. (a) Section 101 of the Supplemental Appropriations Act, 1977, is amended—

(1) by striking out "Majority Leader of the Senate and the Minority Leader of the Senate" in the first sentence and inserting in lieu thereof "Majority Leader, Minority Leader, and Secretary of the Senate"; and

(2) by striking out "Majority Leader and the Minority Leader" in the last sentence and inserting in lieu thereof "Majority Leader, Minority Leader, and Secretary of the Senate".

(b) The amendments made by subsection (a) shall take effect on August 1, 1977.

SEC. 111. (a) Except as provided in subsection (b), the aggregate of the gross compensation which may be paid to employees in the office of a Senator during each fiscal year under section 105(d) of the Legislative Branch Appropriation Act, 1968, as amended and modified (2 U.S.C. 61-1(d)), is increased by an amount equal to three times the amount referred to in section 105(e)(1) of such Act, as amended and modified.

(b)(1) In the case of a Senator who is the chairman or ranking minority member of any committee, or of any subcommittee that receives funding to employ staff assistance separately from the funding authority for staff of the full committee, the amount referred to in subsection (a) shall be reduced by the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified, for each such committee or subcommittee.

(2) In the case of a Senator who is authorized by a committee, a subcommittee thereof, or the chairman of a committee or subcommittee, as appropriate, to recommend or approve the appointment to the staff of such committee or subcommittee of one or more individuals for the purpose of assisting such Senator solely and directly in his duties as a member of such committee or subcommittee, the amount referred to in subsection (a) shall be reduced, for each such committee or subcommittee, by an amount equal to (A) the aggregate annual gross rates of compensation of all staff employees of that committee or subcommittee (i) whose appointment is made, approved, or recommended and (ii) whose continued employment is not disapproved by such Senator, if such employees are employed for the purpose of assisting such Senator solely and directly in his duties as a member of such committee or subcommittee thereof as the case may be, or (B) the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified, whichever is less.

(3) In the case of a Senator who is serving on more than three committees, one of the committees on which he is serving, as selected by him, shall not be taken into account for purposes of paragraphs (1) and (2). Any such Senator shall notify the Secretary of the Senate of the committee selected by him under this paragraph.

(c)(1) A Senator may designate employees in his office to assist him in connection with his membership on committees of the Senate. An employee may be designated with respect to only one committee.

(2) An employee designated by a Senator under this subsection shall be certified by him to the chairman and ranking minority member of the committee with respect to which such designation is made. Such employee shall be accorded all privileges of a professional staff member (whether permanent or investigatory) of such committee including access to all committee sessions and files, except that any such committee may restrict access to its sessions to one staff member per Senator at a time and require, if classified material is being

handled or discussed, that security clearance be obtained before discussion of it. Nothing construed to prohibit a committee with respect to the application of the policies and practices of section 705(c)(1) of the Senate

(3) A Senator shall not be a member of a committee with respect to this subsection with respect to the

(d) The second sentence of the Branch Appropriation Act, 1976, is amended—

(1) by inserting "three employees may be referred to in subsection (d)"

(2) by striking out "The amendments made by section 6(c) of the Order of September 8, 1976, under section 105 of 1970."

(e)(1) Section 106 of the Legislative Branch Appropriation Act, 1973 (2 U.S.C. 58(a)(1)) is repealed.

(2) As an exercise of the Senate's authority under section 705 of the Senate Resolution 100-100, the Senate Resolution 100-100 is repealed.

(f) This section, and the repeals made by subsection (e), are repealed.

SEC. 112. (a) Section 105 of the Legislative Branch Appropriation Act, 1973 (2 U.S.C. 58(a)) is amended—

(1) by striking out "of the following:

"(1) official telegraph services;"

(2) by striking out "and (2) by striking out paragraph (2) of the following:

"(8) subject to the approval of the committee, the amount of travel expenses of the committee; and

"(9) reimbursement of expenses as the Secretary of the Senate may determine for official office expenses, including transportation expenses, incurred by such employees in the performance of their duties, only to the extent that such expenses are paid to or on behalf of the employee in the calendar year."

(3) by striking out "and (3) by striking out the following: in lieu thereof the following: employees under

2 USC 72a-1e.

PUBLIC LAW 95-94—AUG. 5, 1977

91 STAT. 663

handled or discussed, that any staff member possess the appropriate security clearance before being allowed access to such material or to discussion of it. Nothing contained in this paragraph shall be construed to prohibit a committee from adopting policies and practices with respect to the application of this subsection which are similar to the policies and practices adopted with respect to the application of section 705(c)(1) of Senate Resolution 4, 95th Congress, and section 106(c)(1) of the Supplemental Appropriations Act, 1977.

(3) A Senator shall notify the chairman and ranking minority member of a committee whenever a designation of an employee under this subsection with respect to such committee is terminated.

(d) The second sentence of section 105(d)(2) of the Legislative Branch Appropriation Act, 1968, as amended and modified, is amended—

(1) by inserting after "(i)" the following: "the salaries of three employees may be fixed at rates of not more than the rate referred to in subsection (c)(1), (ii)"; and

(2) by striking out "(ii)" and inserting in lieu thereof "(iii)". The amendments made by this subsection shall have no effect on section 6(c) of the Order of the President pro tempore issued on October 8, 1976, under section 4 of the Federal Pay Comparability Act of 1970.

(e)(1) Section 106 of the Supplemental Appropriations Act, 1977 (other than subsection (f) thereof) is repealed.

(2) As an exercise of the rulemaking power of the Senate, section 705 of Senate Resolution 4, 95th Congress (other than subsection (h) thereof) is repealed.

(f) This section, and the amendments made by subsection (d) and the repeals made by subsection (e), shall take effect on October 1, 1977.

Sec. 112. (a) Section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)) is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) official telegrams and long-distance telephone calls and related services;"

(2) by striking out "and" at the end of paragraph (7) and by striking out paragraph (8) and inserting in lieu thereof the following:

"(8) subject to the provisions of subsection (e), reimbursement of travel expenses incurred by the Senator and employees in his office; and

"(9) reimbursement to each Senator for such other official expenses as the Senator determines are necessary (not including official office expenses incurred in his State, but including actual transportation expenses incurred by the Senator and employees in his office in the performance of official business in the metropolitan area of Washington, District of Columbia, or, in the case of employees assigned to an office of the Senator in his home State, incurred by such employees in the performance of official business in the general vicinity of the office to which assigned), but only to the extent such expenses do not exceed for any calendar year ten percent of the total amount of expenses authorized to be paid to or on behalf of such Senator under this section for such calendar year."; and

(3) by striking out the last sentence thereof and inserting in lieu thereof the following: "Reimbursement to a Senator and his employees under this section shall be made only upon presentation

Infra.

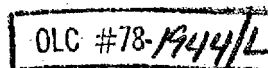
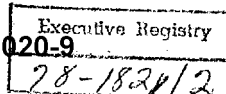
2 USC 61-1.

2 USC 61-1 note.

2 USC 60a-1.

Repeal.
2 USC 72a-1d
and notes.Effective date.
2 USC 72a-1e
note.

TO : Mr. Caryl FPH/LLM Approved For Release 2004/10/12 : CIA-RDP81M00980R002300060020-9		DATE OF REQUEST
FROM : GMC 9 August 1978		SUSPENSE DATE
SUBJECT: Compartmented Clearances/S. Res. 4 Problems		
NOTES <p>The attached copy of a letter from Dale Bumpers to Vice President Mondale was received today. We need to discuss what advice we may want to give Bill Smith, of Mondale's staff, regarding a reply, and whether we want to approach Bumpers directly. As you know, we have a similar problem with Senator Morgan's man Stirk.</p>		
COORDINATED WITH (list names as well as offices)		
NAME	OFFICE	DATE
NAME	OFFICE	DATE
NAME	OFFICE	DATE
NAME	OFFICE	DATE
ACTION REQUIRED BY GLC		
FYI		



July 31, 1978

The Honorable Walter Mondale
President of the Senate
United States Senate
Washington, D. C. 20510

Dear Fritz:

It has come to my attention that the Director of Central Intelligence has proposed in a July 21 letter to you to deny access to sensitive intelligence information to personal staff members. As a member of the Defense Subcommittee of the Senate Appropriations Committee, I deeply regret the DCI's proposal and I urge you to critique his guidelines for the issuance of compartmented clearances.

I am sure that I do not have to tell you, so perhaps it is the CIA that should be told of the daily frenetic pace of the individual Senator who, perforce, does not have time to keep in regular contact with cleared committee staff personnel. Accordingly, I must rely upon my personal staff assistant, Leonard Parkinson, for on-the-spot briefings of, for recent examples, encrypted telemetry, the throw-weight of the SS-19, verification problems associated with a Soviet mobile ICBM system, and a variety of other sensitive subjects essential to my own decision-making regarding strategic arms control, the defense budget, and other key military-political matters. Without his regular access to compartmented information, we would ultimately be relying on Aviation Week and the few other journals that regularly leak bits of sensitive data.

An in-depth understanding of the strategic weapon systems is particularly essential at this time. We are on the eve of important SALT agreement with the Soviet Union, and thus an

The Honorable Walter Mondale
July 31, 1973
Page Two

intense debate on the Senate floor. I want to have at hand a full understanding of the substantive hardware issues that will be involved, and I know that I will have to rely on my staff aide for the details which can only be the product of compartmented intelligence information.

Looking forward to hearing from you on this matter.

Sincerely,

Dale Bumpers

DB:llm

cc: DCI Stansfield Turner
Senator John C. Stennis
Senator Warren G. Magnuson